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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,364	09/29/2000	Leslie Graf	032986-006	4674

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ERICSSON INC.
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PLANO, TX 75024

EXAMINER

EL HADY, NABIL M

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,364

Applicant(s)

GRAF ET AL.

Examiner

Nabil M. El-Hady

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. In view of the Appeal Brief filed on 5/23/2005, PROSECUTION IS HEREBY REOPENED. The finality of the last office action is withdrawn, and new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-6 are pending in this application.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following phrases are not clearly understood and renders corresponding claims indefinite:

a) "each Media gateway", claim 1, line 5, it is not clear if each Media Gateway means each of the plurality of Media Gateways cited in line 4 of the claim;

b) "which address", claim 1, line 6; claim 5, line 5; and claim 6, line 6, it is not clear what "which" is referring to, it is suggested to be "said at least one address";

B. The following lacks antecedent basis:

a) "the communications network", claim 2, lines 2-3; suggested "communication system"

b) "said address", claim 1, line 9; suggested to be "said at least one address";

c) "the media Gateways", claim 3, lines 1-2; suggested to be "the plurality of Media gateways";

d) "the networks", claim 3, line 3; suggested to be "the transport networks";

e) "said peer Media Gateway Controllers", claim 5, line 6; suggested to be "peer Media gateway Controllers".

5. Figures 1 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Figure 1 illustrates the prior art of splitting a telecommunication network to a signaling protocol (call Control layer) which is independent of the underlying transport mechanism (Bearer Control layer). Figure 3 illustrates the prior art of the structure of an NSAP address. Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted prior Art, hereinafter "AAPA" in view of "Data networks and open System Communications, Open System Interconnection- Service Definitions, ITU-T Recommendations X.213, November 1995", hereinafter "ITU-T"; and further in view of P. Pancho, "ATM switch routers for combined connection-oriented and connectionless transport", hereinafter "Pancho".

8. ITU-T and Pancho are cited by the applicant in IDS paper filed 6/14/2002.

9. As to claims 1, 5, and 6, AAPA discloses a method of signaling in a communications system comprising a call control level and a bearer control level (spec., p 2, lines 4-14), where the call control level comprises a plurality of media gateway controllers and the bearer control level comprises a plurality of media gateways each of which is controlled by a media gateway controller (spec., p 2, lines 15-21), the method comprising allocating to each gateway at least one address, and conveying these addresses between peer media gateway controllers using bearer independent call control (BICC) or transport independent call control (TICC) (spec., p2, lines 24-29). AAPA, also, discloses that ITU-T recommendation X.213 provides a flexible addressing mechanism which defines the so-called Network Service Access Point (NSAP) addressing format (spec., p 3, lines 7-10).

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10. AAPA does not specifically disclose said address corresponds to one of a plurality of different addressing formats, and using NASP to encapsulate said address . First, is well known in the art as well as by any dictionary definition that media gateway possess the function of interfacing between heterogeneous sub networks that may be using different addressing formats, then said address allocated to a media gateway may correspond to different addressing format than another media gateway. Second, going from one sub network to the another through media gateways need explicit address resolution from one addressing format to the other. It would have been obvious to one skilled in the art at the time of the invention to try to remove the need for such explicit address resolution. Third, at the time of the invention, NASP was designed to provide a basis for individual enhancement of existing heterogeneous sub networks to a common subnet or-independent network service to enable them to be concatenated for the purpose of providing global communication, and also to provide a basis for the development and implementation of sub network-independent transport layer protocol, decoupled from the variability of underlying public and private sub networks and their specific interface requirements (Scope , Section 1, ITU-T). Third, the use of NASP will remove the need for explicit address resolution. One skilled in the art at the time of the invention would be motivated to use NASP to encapsulate said addresses (see Pancho, section 5.2).

11. As to claim 2, AAPA and Pancho discloses a telecommunications network in which the Call Control level is used to establish and control call connections between a calling party and a called party at the Bearer Control level (spec., p 1-2; and Pancho Fig. 7).

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12. As to claim 3, Pancho discloses the Media Gateways provide access to transport networks which extend between peer Gateways, and the networks using one of IP, AAL2, or ATM transmission mechanisms (Pancho, Fig. 8 and Fig. 9).

13. As per claim 4 Pancho discloses the format of the at least one address allocated to a Media Gateway is the format used by a transport network to which that Media Gateway provides access (Pancho, Figs. 8 and 9)

14. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M. El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "N. El-Hady". The signature is fluid and cursive, with a long, sweeping underline that extends downwards and to the right.

August 8, 2005

Nabil El-Hady, Ph.D, M.B.A.
Primary Examiner
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